

S/N: 10/776,556

Atty Dkt No. GP-303641 / GM0463PUS

REMARKS

Claims 1-5 and 7-17 are pending. Claims 3-5 are objected to for lack of antecedent basis. Claims 1-3 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. (WO 01/30174) in view of Pickering et al. (5,902,487). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. in view of Pickering et al. and Hasegawa et al. (2003/0096719). Claims 4-5 and 9-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 17 is allowed. Applicants have amended claims 1, 3, 5, 9, and 10. Applicants have cancelled claims 4, 6, and 8.

Objections to the Claims

The Examiner objected to claims 3-5 because, in claim 3, the phrase "the pump" lacks antecedent basis in the claim, and because, in claim 3, the phrase "the hydraulic circuit" lacks antecedent basis. Applicants have amended claim 3 to recite the limitations of claim 2, which provides antecedent basis for "the pump" and "the hydraulic circuit." Accordingly, Applicants submit that the amendment to claim 3 overcomes the Examiner's objections.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. (WO 01/30174) in view of Pickering et al. (5,902,487). Applicants have amended claim 1 to recite "a heating element sufficiently positioned with respect to the reservoir to selectively heat the fluid," which is an element recited by claim 4, which the Examiner indicated contains allowable subject matter. Applicants note that neither Brown et al. nor Pickering et al. teach or suggest a "heating element sufficiently positioned with respect to the reservoir to selectively heat the fluid." Accordingly, Applicants submit that amended claim 1 is allowable. Claim 2 depends from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

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With respect to claim 3, the Examiner stated that claims 4 and 5 "are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Claim 4 depends directly from independent claim 3. Applicants have amended independent claim 3 to recite the elements and limitations of claim 4, and therefore Applicants submit that claim 3 is allowable. Claim 5 has been amended to depend directly from amended claim 3 and therefore no longer depends from a rejected base claim.

Applicants have cancelled claim 8.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. in view of Pickering et al. and Hasegawa et al. (2003/0096719). Claim 7 depends from amended claim 1 and is therefore allowable for at least the same reasons that amended claim 1 is allowable.

Allowable Subject Matter

Claims 4-5 and 9-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. As noted *supra*, independent claim 3 has been amended to recite the elements and limitations of claim 4, which originally depended directly from claim 3; claim 5 has been amended to depend directly from claim 3. Accordingly, Applicants submit that claims 3 and 5 are in condition for allowance.

Claims 9 and 10 have been rewritten in independent form to include all of the limitations of claim 8, from which claims 9 and 10 originally directly depended. Claims 11-16 ultimately depend from claim 10 and therefore no longer depend from a rejected base claim.

Applicants note with appreciation the allowance of claim 17.

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CONCLUSION

This Amendment is believed to be fully responsive to the Office Action mailed September 20, 2005. The amendments to the claims and the remarks in support of the amended and rejected claims are believed to place this application in condition for allowance, which action is respectfully requested.

Please charge any fees associated with this amendment to deposit account 07-0960.

Respectfully submitted

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Date: 12/20/05

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